



Submitted to:

Maryland Senate Judicial Proceedings Committee

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Testimony from Cognivue

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Support: Cannabis-Impaired Driving Test Pilot Program (SB 676)

## **Introduction**

Cognivue is an applied science company based in New York that develops cognitive health assessment technology. The company's mission is to elevate the gold standard of cognitive health assessment, reduce the stigma of cognitive issues, and empower action with early detection.

Cognivue has pursued this mission by creating the world's first FDA-cleared computerized test of cognitive function. The Cognivue technology is a self-administered, reliable, non-invasive tool to assess cognition in five minutes. The technology is based on more than 15 years of research at the National Eye Institute and the University of Rochester. Cognivue eliminates most common biases associated with other testing modalities and is independent of educational or socio-demographic-economic level. Our devices are currently used by neurologists and other physicians across the U.S. in screening for early detection of cognitive decline and dementia. We believe there is a very positive role our technology can play within the public safety and law enforcement community to help keep our roads and highways safe from drug-impaired drivers.

Cognivue thanks Senator Waldstreicher for his time and effort in drafting this important piece of legislation and for taking the lead on this issue. Cognivue submits this statement in support of SB 676 as written.

## **Statement in Support**

Cannabis-impaired driving is one of the most pressing outstanding cannabis policy matters in states with legalization laws. Current standards and screening methods, such as using breathalyzers or blood samples, are effective for alcohol and other drugs, but they are inadequate and problematic when applied to cannabis. Substances like THC, the intoxicating component of cannabis, affect the body differently than alcohol, and their presence in the body does not directly correlate with impairment. This is because THC can remain in the body for weeks, and THC concentration will rapidly drop after use despite an individual still being impaired. These methodologies are also harmful to consistent, legal users of cannabis because they can have up to 5 nanograms per milliliter (ng/ml) of THC in their system and not be impaired. For these reasons, it is not possible to regulate cannabis impairment based on THC levels as we regulate alcohol impairment based on a driver's blood alcohol level measured by a breathalyzer, as this creates a variety of false-positives and false-negatives.

Due to the scientific shortcomings in measuring cannabis levels directly, Cognivue has opted to take a unique approach by directly measuring cognitive impairment. Unlike blood tests, the Cognivue technology is non-invasive and requires minimal police resources. While blood tests typically require transportation to a facility, at which time a driver's THC level can decrease, the technology Cognivue is developing can provide clear results in five minutes and would be portable for roadside use.

With cannabis legalization being implemented by the Maryland legislature, there has never been a more important time to find new tools for police to use to help keep our roads safe while maintaining fundamental fairness for those who may be using cannabis legally. SB 676 allows for Maryland to gain valuable data on the effectiveness of new and emerging technology to detect impairment. The data that would be collected through the pilot program is important to fine-tune the technology and adapt it to better assist law enforcement roadside. For example, Cognivue has been working with Colorado state, county, and city law enforcement to see if our technology can help keep our roads and highways safe from drug-impaired drivers. The development of our technology would not be possible without partnership with state, county, and city officials.

SB 676 will allow for Maryland to tackle the issue of drug-impaired driving at a critical time of expansion in access to cannabis. Maryland has an opportunity to make their roads safer while also being a leader on an issue that many other states are dealing with. We wholeheartedly support SB 676.